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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/533,242 | 04/29/2005 | Maurice Bailey | 60351.00003 | 3120 |

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PATENT DEPARTMENT
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| EXAMINER |
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SENSENIG, SHAUN D

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| ART UNIT | PAPER NUMBER |
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3629

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03/30/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/533,242 | BAILEY ET AL. | |
| | Examiner | Art Unit | |
| | Shaun Sensenig | 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 77,78,80,81,83-85,93-95 and 97-102 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 77,78,80,81,83-85,93-95 and 97-102 is/are rejected.
- 7) ☒ Claim(s) 77,78,80,81,83-85,93-95 and 97-102 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to papers filed on December 13, 2010.

Claims 77, 78, 80, 81, 83, 95, and 97 have been amended.

Claims 1-76, 79, 82, 86-92, and 96 have been cancelled.

Claims 98-102 have been added.

Claims 77, 78, 80, 81, 83-85, 93-95, and 97-102 are pending.

Request for Continued Examination

1. The Request filed on December 13, 2010 for Continued Examination (RCE) under 37 CFR 1.114 based on Application No. 10/533242 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Objections

2. **Claims 77, 78, 80, 81, 83-85, 93-95, and 97-102 objected to because of the following informalities:** Claim 77 is labeled as both "(currently amended)" and "(canceled)". It will be assumed for further consideration of the merits, that this was a typographical error and that Claim 77 was only intended to be labeled as "(currently amended)". Appropriate correction is required.

3. **Claim 80 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 77, 78, 80, 81, 84, 85, 93, 94, 97-99, 101, and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (Patent Number 5,948,040) (hereafter referred to as DeLorme) in view of Kumhyr (Pub. No. US 2003/0233244 A1).**

7. In regards to **Claim 77**, DeLorme discloses:

A method and system, comprising:

providing object data, vehicle data, and event data, the vehicle data including information about a plurality of moving vehicles, the object data including information about a traveling person, the event data including information about a travel

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requirement of the traveling person; (Abstract, lines 16-24; Column 8, lines 23-28; Column 33, lines 23-40; Column 35, lines 50-52, *shows database containing data on events (points of interest), vehicles (accommodations/travel options)*; and **Column 61, lines 5-26, *shows user profiles (information on a person)***)and

DeLorme does not explicitly disclose associating travelers with vehicles using changes in travel plans, however, Kumhyr teaches associating travelers with vehicles using changes in travel plans ([0010], [0026], [0057], [0060], ***shows passengers being tracked including tracked to the specific flights to which they enter, also discusses changes in flight status and itineraries during tracking***)

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of DeLorme so as to have included associating travelers with vehicles using changes in travel plans in order to increase usefulness, efficiency, and convenience for the user by ensuring that data is up to date (Kumhyr, abstract, lines 14-16), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

8. In regards to **Claim 78**, DeLorme discloses:

A method and system, wherein the vehicle data includes position, speed and direction of travel of the particular moving vehicle. (Column 10, lines 40-42)

9. In regards to **Claims 80 and 98**, DeLorme discloses:

A method and system, further comprising displaying on an access device a map with information about the particular moving vehicle and the information about the

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traveling person superimposed onto the map. (Abstract, lines 16-24 and Fig. 5D, *shows the capability of generating/collecting object data and vehicle data and the capability to display a map with the data*)

10. In regards to **Claim 81**, DeLorme discloses:

A method and system, wherein the map generator is further capable of redisplaying the map with the superimposed information about the particular moving vehicle and the traveling object based on a change in the event data. (Column 14, lines 26-27)

11. In regards to **Claims 84 and 85**, DeLorme discloses:

A method and system, wherein the manager is further capable of generating an alert when an event occurs that interferes with an estimated arrival time of the particular moving vehicle. (Column 29, lines 59-61)

12. In regards to **Claim 93**, DeLorme discloses:

A method and system, wherein the information about the plurality of moving vehicles includes flight schedules. (Column 70, lines 30-32)

13. In regards to **Claim 94**, DeLorme discloses:

A method and system, wherein the information about the particular moving vehicle includes a location of the particular moving vehicle or a flight status of the particular moving vehicle. (Fig. 9A; Fig. 9B; Column 71, lines 61-67; and Column 72, lines 1-8).

14. In regards to **Claims 97 and 99**, DeLorme discloses:

A method and system, wherein the information about a traveling requirement of the traveling object is a travel itinerary or a destination of the traveling object. (Column 33, lines 23-40)

15. In regards to **Claim 101**, DeLorme discloses:

A method and system, wherein the particular vehicle is an airplane and the information about a particular moving vehicle is a flight number. (Column 40, lines 48-50, *shows a flight being scheduled, which would include an airplane and related info. Such as a flight number*)

16. In regards to **Claim 102**, DeLorme discloses wherein the system has the ability to determine location data on items such as moving vehicles (Fig. 9A; Fig. 9B; Column 71, lines 61-67; and Column 72, lines 1-8). DeLorme does not explicitly disclose saving the information moving vehicle location data in a data store, however, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of DeLorme so as to have included saving the information moving vehicle location data in a data store in order to increase efficiency and decrease redundant work by saving useful data (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

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17. **Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of Kumhyr in further view of Davis et al. (Patent No. US 6,353,794 B1) (hereafter referred to as Davis).**

18. In regards to **Claim 83**, DeLorme discloses all of the above limitation. DeLorme does not explicitly disclose displaying weather on a map, however Davis teaches:

A method and system, wherein the map generator is further capable of displaying weather on the generated map. (Column 6, lines 20-25)

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of DeLorme so as to have included displaying weather on a map taught by Davis in order to increase usefulness and convenience for the user by including additional pertinent data (DeLorme, Column 1, lines 40-43), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

19. **Claims 95 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of Kumhyr in further view of Official Notice.**

20. In regards to **Claims 95 and 100**, DeLorme discloses wherein the traveling object is a user (person) (100 and Abstract, lines 16-24). DeLorme does not explicitly disclose wherein the information about the traveling object includes a name of a person, however, including a person's name within data about a person is old and well known to those of ordinary skill in the art, and official notice to that effect is hereby taken. For example, names are often used as identifiers within a person's personal information in many systems.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of DeLorme so as to have included the information about the traveling object includes a name of a person in order to increase efficiency and usefulness by providing complete and necessary information (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Response to Arguments

21. Applicant's arguments filed December 13, 2010 have been fully considered but they are not persuasive.

22. I. Rejection of Claims under 35 U.S.C. §102 and 35 U.S.C. §103

Applicant's arguments in regards to the 35 U.S.C. §102 and 35 U.S.C. §103 rejections are moot in view of the new prior art rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun Sensenig whose telephone number is (571) 270-5393. The examiner can normally be reached on Monday to Thursday 7:30 to 5:00 ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571)272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./
Examiner, Art Unit 3629
March 27, 1011

/Jonathan Ouellette/
Primary Examiner, Art Unit 3629